

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

SELECT SECTOR SPDR TRUST,
a Massachusetts trust,

Plaintiff,

v.

POWERSHARES EXCHANGE-TRADED
FUND TRUST II, a Massachusetts trust,
INVESCO POWERSHARES CAPITAL
MANAGEMENT, LLC, a Delaware corporation;
and
INVESCO AIM DISTRIBUTORS, INC.,
now known as INVESCO DISTRIBUTORS, INC.,
a Delaware corporation,

Civil Action No. 4:10-cv-02589

JURY

Defendants.

STIPULATION OF DISMISSAL

Pursuant to the Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and subject to the terms of a confidential settlement agreement contemporaneously entered into between the parties, the parties hereby dismiss with prejudice all claims and counterclaims asserted in this lawsuit. Each party shall bear its own fees and costs.

AGREED AND ENTRY REQUESTED.

s/ Robert R. Brunelli
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John R. Posthumus (admitted *pro hac vice*)
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SHERIDAN ROSS P.C.

Date: February 14, 2011

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ATTORNEYS FOR DEFENDANTS

SO ORDERED:

DATE: _____

Vanessa D. Gilmore
U.S. District Judge